

## **DISCLAIMER**

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## **APPLICATION OF**

**APPALACHIAN POWER COMPANY**

**CASE NO. PUE970766**

**For certificates of public convenience and necessity authorizing transmission lines in the Counties of Bland, Botetourt, Craig, Giles, Montgomery, Roanoke and Tazewell: Wyoming-Cloverdale 765 kV Transmission Line and Cloverdale 500 kV Bus Extension**

## **HEARING EXAMINER'S RULING**

**October 16, 1998**

On September 15, 1998, the Greater Newport Rural Historic District Committee ("Protestant") filed a Special Motion for Commission to Rule on Validity of Objections ("Motion"). Protestant seeks a ruling on the validity of certain objections made by Appalachian Power Company ("AEP" or the "Company") in response to interrogatories 3-5, 3-6, 3-7, 3-8, 3-9 and 3-10 (collectively, "Interrogatories") of Protestant's Third Set of Interrogatories. By Ruling dated September 18, 1998, the Company was given until October 1, 1998, to file a response to the Motion. The Company, in its response, argues that the interrogatories are irrelevant to the issues in this proceeding and that the Protestant has already obtained the information sought from publicly available sources. In support of its latter argument, the Company attached several newspaper articles to its response. In conclusion, the Company argues that Protestant has provided no justification for overruling the Company's objections to the interrogatories and therefore the Motion should be denied.

Protestant's Interrogatories seek information concerning Bill Tanger ("Tanger"), the existence and extent of his financial relationship with AEP, and the extent to which the University Studies Team ("UST") and Hill Studios, which Protestant alleges relied on Tanger's "local routing expertise," were aware of a financial relationship between Tanger and AEP.<sup>1</sup> Protestant states that Tanger is the president and sole shareholder of Image Advertising, Inc. which does business under the fictitious name of the Coalition for Energy and Economic Revitalization, a support group for the proposed transmission line. Protestant further states that, according to documents filed by AEP with the Securities and

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<sup>1</sup>In response to prior interrogatories, Protestant states that AEP provided a document dated January 31, 1997, prepared by David Hill Studios, entitled "Final Corridors and Writing Assignment: Approach and Process for Additional Services for the Cloverdale – Wyoming Project: Southern Corridor Alternatives and Refiling Process," which states that after the selection of mile-wide corridors, "local experts will be contacted (such as Dorothy Domermuth or Bill Tanger), and meetings held to gain site specific data on resources." (Motion at 2).

Exchange Commission, AEP paid over one hundred thousand dollars to Image Advertising, Inc. at approximately the same time it was seeking Tanger's routing expertise. The Company, in its application, states that the UST worked independently of the Company in evaluating alternative corridors which have led to the recommendations for the preferred and alternative corridors. (Application Vol. I, Testimony of Dr. Simutis, at 123). In summary, Protestant asserts that the UST discussed routing issues with Tanger, yet claims that its routing decisions were made without regard to the Company's operational or financial interests. (Id.). Protestant concludes that, if the Company's financial interests were considered in the route selection process, even unwittingly, then it is entitled to this information for impeachment purposes.

I find the Company's objections should be overruled and the interrogatories should be answered by the Company. Rule 6:4 of the Commission's Rules of Practice and Procedure states that, "It is not necessarily grounds for objection that the information sought will be inadmissible at the hearing if such information appears reasonably calculated to lead to the discovery of admissible evidence." The information requested by Protestant could possibly pertain to bias in the Company's routing process. Accordingly,

**IT IS DIRECTED THAT:**

- 1) The Company's objections to the Protestant's interrogatories are overruled; and
- 2) The Company shall answer Protestant's interrogatories on or before November 3, 1998.

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Howard P. Anderson, Jr.  
Hearing Examiner